

AN ORDINANCE

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00-0976

AN ORDINANCE TO AMEND CHAPTER 138, STREETS, SIDEWALKS AND OTHER PLACES, ARTICLE III, SECTION 138-66 OF THE CODE OF ORDINANCES, SO AS TO PROVIDE THAT THE CITY WILL INCUR THE COSTS OF PAVING UNIMPROVED STREETS AND OF REPAIRING SIDEWALKS WITHIN THE CITY OF ATLANTA, RATHER THAN ASSESS THE COSTS AGAINST THE ABUTTING PROPERTY OWNERS, AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has the authority to regulate the occupation and use of the public Streets and Sidewalks; and

WHEREAS, the City has determined that the Streets and Sidewalks are valuable public resources that have required and will continue to require substantial investment by the City; and

WHEREAS, the City does desire to manage the Streets and Sidewalks and provide for an orderly process by which affected persons may utilize them; and

WHEREAS, it is in the best interests of the City to create paved surfaces which minimize the inconvenience and disruption to the public as well as damage to motor vehicles traveling along the City Streets; and

WHEREAS, it is in the best interests of the City to create a pedestrian friendly environment, thereby enhancing the safety, health and welfare of the citizens of the City of Atlanta; and

WHEREAS, it is in the best interests of the City to provide for the orderly and efficient use of the streets and sidewalks now and in the future.

NOW, THEREFORE BE AND IT IS HEREBY ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1: That Section 138-66 “Cost and fees of street paving by city assessed against abutting property owners,” which currently reads as follows:

“Whenever any street or part thereof in the city is paved by direction of the council, there shall be added to the total assessable cost of the work a fee for inspection and engineering services furnished by the city, and the total of cost and fee shall be assessed against the abutting property owner. The fee shall be retained by the chief financial officer to cover the cost of inspection and engineering services. The fee shall be established by ordinance and may be found in the city's rules and regulations.”

Be, and is hereby amended to read as follows:

“Cost and fees of street paving and sidewalk repairs incurred by city.

- (a) Whenever any unimproved street, or part thereof, in the city is originally paved by direction of the council, the total cost of the work, including the fee for inspection and engineering services furnished by the city, shall not be assessed against the abutting property owner, but shall be incurred by the city.**
- (b) Whenever the commissioner of public works causes repairs to be made to existing city sidewalks in accordance with the provisions of Section 138-103 of this Chapter, the total cost shall be incurred by the city. Where it has been determined by the commissioner of public works that the abutting property owner caused the disrepair of the sidewalk, then the city shall not incur the cost of repair, but shall assess the costs against the abutting property owner.”**

SECTION 2: That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed, to the extent of said conflict.